

remains to seven Indian tribes that have demonstrated a cultural relationship with the Zion National Park area by means of a final judgement of the Indian Claims Commission and other sources.

The review committee considered the request at its May 31-June 2, 2001, meeting in Kelseyville, CA. On August 13, 2001, the Assistant Director, Cultural Resources Stewardship and Partnerships, writing on behalf of the Secretary of the Interior, informed the superintendent of Zion National Park that the review committee recommended disposition of the culturally unidentifiable human remains to the Hopi Tribe of Arizona; Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona; Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony, Nevada; Moapa Band of Paiute Indians of the Moapa River Indian Reservation, Nevada; Paiute Indian Tribe of Utah (Cedar City, Indian Peak, Kanosh, Koosharem, Shivwits Bands); Ute Indian Tribe of the Uintah and Ouray Reservation, Utah; and Zuni Tribe of the Zuni Reservation, New Mexico.

This notice has been sent to officials of the Hopi Tribe of Arizona; Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona; Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony, Nevada; Moapa Band of Paiute Indians of the Moapa River Indian Reservation, Nevada; Paiute Indian Tribe of Utah (Cedar City, Indian Peak, Kanosh, Koosharem, Shivwits Bands); Ute Indian Tribe of the Uintah and Ouray Reservation, Utah; and Zuni Tribe of the Zuni Reservation, New Mexico. Representatives of any Indian tribe that believes itself to be culturally affiliated with these human remains should contact Martin C. Ott, Superintendent, Zion National Park, Springdale, UT 84767-1099, telephone (435) 772-0142, before July 19, 2002. Disposition of these human remains to the Hopi Tribe of Arizona; Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona; Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony, Nevada; Moapa Band of Paiute Indians of the Moapa River Indian Reservation, Nevada; Paiute Indian Tribe of Utah (Cedar City, Indian Peak, Kanosh, Koosharem, Shivwits Bands); Ute Indian Tribe of the Uintah and Ouray Reservation, Utah; and Zuni Tribe of the Zuni Reservation, New Mexico may begin after that date if no additional claimants come forward.

Dated: April 16, 2002.

Robert Stearns,

Manager, National NAGPRA Program.

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INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701-TA-428 and 731-TA-992-994 and 996-1005 (Preliminary)]

Oil Country Tubular Goods From Austria, Brazil, China, France, Germany, India, Indonesia, Romania, South Africa, Spain, Turkey, Ukraine, and Venezuela

Determinations

On the basis of the record ¹ developed in the subject investigations, the United States International Trade Commission determines, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 19 U.S.C. 1673b(a)) (the Act), that there is no reasonable indication that an industry in the United States is materially injured or threatened with material injury, or that the establishment of an industry in the United States is materially retarded, by reason of imports of oil country tubular goods, provided for in subheadings 7304.21.30, 7301.21.60, 7304.29.10, 7304.29.20, 7304.29.30, 7304.29.40, 7304.29.50, 7304.29.60, 7305.20.20, 7305.20.40, 7305.20.60, 7305.20.80, 7306.20.10, 7306.20.20, 7306.20.30, 7306.20.40, 7306.20.60, and 7306.20.80 of the Harmonized Tariff Schedule of the United States, from Austria that are alleged to be subsidized by the Government of Austria and from Austria, Brazil, China, France, Germany, India, Indonesia, Romania, South Africa, Spain, Turkey, Ukraine, and Venezuela that are alleged to be sold at less than fair value (LTFV).²

Background

On March 29, 2002, petitions were filed with the Commission and the Department of Commerce (Commerce) on behalf of IPSCO Tubulars, Inc., Camanche, IA; Koppel Steel Corp., Ambridge, PA; Lone Star Steel Co., Dallas, TX; Maverick Tube Corp., Chesterfield, MO; Newport Steel Corp., Newport, KY; and United States Steel Corp., Pittsburgh, PA, alleging that an industry in the United States is materially injured and threatened with material injury by reason of subsidized imports of oil country tubular goods

¹ The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR § 207.2(f)).

² Commissioner Lynn M. Bragg dissenting.

from Austria and by reason of LTFV imports of the same product from Austria, Brazil, China, Colombia, France, Germany, India, Indonesia, Romania, South Africa, Spain, Turkey, Ukraine, and Venezuela.³ Accordingly, effective March 29, 2002, the Commission instituted the subject investigations. Petitioners withdrew their petition against Colombia on April 11, 2002, and Commerce did not initiate an investigation on this country. Accordingly, the Commission terminated its investigation concerning Colombia (Inv. No. 731-TA-995 (Preliminary)) on April 29, 2002 (Federal Register of May 8, 2002 (67 FR 30964)).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the Federal Register of April 5, 2002 (67 FR 16437). The conference was held in Washington, DC, on April 19, 2002, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on May 13, 2002. The views of the Commission are contained in USITC Publication 3511 (May 2002), entitled Oil Country Tubular Goods from Austria, Brazil, China, France, Germany, India, Indonesia, Romania, South Africa, Spain, Turkey, Ukraine, and Venezuela: Investigations Nos. 701-TA-428 and 731-TA-992-994 and 996-1005 (Preliminary).

By order of the Commission.

Marilyn R. Abbott,

Secretary.

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Joseph Thomas Allevi, M.D.; Revocation of Registration

On July 24, 2001, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause (OTSC) by certified mail to Joseph Thomas Allevi, M.D., notifying him of an opportunity to show

³ Lone Star does not join the petition with respect to Romania.

cause as to why the DEA should not revoke his DEA Certificate of Registration, BA4784927, pursuant to 21 U.S.C. 824(a)(3), and deny any pending applications for renewal of such registration pursuant to 21 U.S.C. 823(f), on the grounds that Dr. Allevi was not authorized by the State of California to handle controlled substances. The order also notified Mr. Allevi that should no request for hearing be filed within 30 days, his right to a hearing would be deemed waived.

The OTSC was sent to Dr. Allevi at his DEA registered premises in Laguna Niguel, California. The OTSC was returned, marked "Attempted, Not Known." To date, no communications have been received from Dr. Allevi nor anyone purporting to represent him.

Therefore, the Deputy Administrator, finding that (1) 30 days having passed since the DEA made a legally sufficient attempt to serve the Order to Show Cause, and (2) no request for a hearing having been received, concludes that Dr. Allevi is deemed to have waived his right to a hearing. Following a complete review of the investigative file in this matter, the Deputy Administrator now enters his final order without a hearing pursuant to 21 CFR 1301.43(d) and (e), and 1301.46.

The Deputy Administrator finds as follows. Dr. Allevi currently possesses DEA Certificate of Registration BA4784927, issued to him in California. By Order of the Medical Board of California (Board), dated May 8, 2000, the State of California issued charges seeking the revocation of Dr. Allevi's Physician's and Surgeon's Certificate. The Board outlined five separate causes for discipline, including *inter alia* an allegation that between December 1999 and April 2000, Dr. Allevi issued false prescriptions for Schedule III and IV controlled substances in the names of his wife and daughters, but in fact was obtaining the prescriptions for his own personal use. Dr. Allevi subsequently admitted to an investigating law enforcement officer that he was addicted to controlled substances, and was diverting controlled substances for his own personal use. Each of the five causes for discipline set forth in the Order by the Board stemmed from various acts of misconduct by Dr. Allevi concerning the mishandling of controlled substances.

As a result of the Board's action, Dr. Allevi entered into a Stipulation for Surrender of License with the Board, effective August 29, 2000. Among the terms and conditions was an agreement that Dr. Allevi surrender his Physician's and Surgeon's Certificate. The investigative file contains no evidence

that Dr. Allevi's Certificate has been reinstated. Therefore, the Deputy Administrator concludes that Dr. Allevi is not currently licensed or authorized to handle controlled substances in California.

The DEA does not have the statutory authority pursuant to the Controlled Substances Act to issue or to maintain a registration if the applicant or registrant is without state authority to handle controlled substances in the state in which he or she practices. *See* 21 U.S.C. 823(f), and 824(a)(3). This prerequisite has been consistently upheld in prior DEA cases. *See Graham Travers Schuler, M.D.*, 65 FR 50,570 (2000); *Romeo J. Perez, M.D.*, 62 FR 16,193 (1997); *Demetris A. Green, M.D.*, 61 FR 60,728 (1996); *Dominick A. Ricci, M.D.*, 58 FR 51,104 (1993).

In the instant case, the Deputy Administrator finds the Government has presented evidence demonstrating that Dr. Allevi is not authorized to practice medicine in California, and therefore, the Deputy Administrator infers that Dr. Allevi is also not authorized to handle controlled substances in California, the state in which he holds his DEA Certificate of Registration.

Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and).104, hereby orders that the DEA Certificate of Registration BA4784927, previously issued to Joseph Thomas Allevi, M.D., be, and it hereby is, revoked. The Deputy Administrator hereby further orders that any pending applications for renewal or modification of said registration be, and hereby are, denied. This order is effective June 19, 2002.

John B. Brown, III,

Deputy Administrator.

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deny any pending applications for renewal of this registration, pursuant to 21 U.S.C. 823(f), for the reason that Respondent is not currently authorized to practice medicine or to handle controlled substances in Utah, the state in which he is registered.

By letter received August 6, 2001, Respondent, through counsel, requested a hearing in this matter. On August 10, 2001, the Government filed a Request for Stay of Proceedings and Motion for Summary Disposition. By Order dated August 15, 2001, Administrative Law Judge Gail A. Randall (Judge Randall) granted Respondent time to respond to the Government's Motion. On August 23, 2001, the Respondent timely filed Respondent's Memorandum in Opposition to Government's Request for Stay and Summary Disposition. On August 29, 2001, Judge Randall issued an Order Granting a Stay in this proceeding. The Stay was lifted by her Recommended Rulings, Findings of Fact, Conclusions of Law, and Decision of the Administrative Law Judge dated October 2, 2001 (Opinion and Recommended Ruling), granting the Government's Motion for Summary Disposition. The record of these proceedings was subsequently transmitted to the Deputy Administrator for his final decision November 20, 2001.

The Deputy Administrator has considered the record in its entirety, and pursuant to 21 CFR 1316.67, hereby issues his final order based upon findings of fact and conclusions of law as hereinafter set forth. The Deputy Administrator adopts in full the Opinion and Recommended Decision of the Administrative Law Judge.

The Government requests summary disposition based upon its allegation that Respondent does not have state authority to handle controlled substances. The Government attached to its motion a copy of an Emergency Order, entered by J. Craig Jackson, R.Ph., Director of Occupational and Professional Licensing, Department of Commerce, State of Utah, dated April 3, 2001. In the Order, Director Jackson ordered the immediate suspension of the Respondent's licenses to perform surgery and to administer and prescribe controlled substances, "pending further order of the Division." Director Jackson further stated that the Division will issue a restricted license to the Respondent pending a formal adjudicative proceeding in the matter.

The DEA does not have the statutory authority pursuant to the Controlled Substances Act to issue or to maintain a registration if the application or registrant is without state authority to